

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHAD EVANS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:05CV1123 TIA
)	
YORK PICTURES, INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This cause is before the Court, sua sponte, upon review of the file.

Plaintiff Chad Evans filed this cause of action on July 20, 2005, alleging copyright infringement by reproducing and distributing copyrighted recordings to re-sellers and the public. Plaintiff names York Pictures, Inc., d/b/a York Entertainment, York International, and York Home Video, Leonard's T.V., Inc., d/b/a Leonard's TV, and Scot's Video as Defendants. Defendants Leonard's T.V., Inc., d/b/a Leonard's TV, and Scot's Video entered their appearances in this cause. A review of the file shows that Defendant York Pictures, Inc., d/b/a York Entertainment, York International, and York Home Video has not been served in this matter, nor has service been waived on its behalf. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the Plaintiff, is directed to dismiss an action against a Defendant upon whom service has not been made within 120 days after the filing of the complaint. Accordingly,

IT IS HEREBY ORDERED that pursuant to Fed. R. Civ. P. 4(m), Plaintiff shall show cause in writing, within twenty days of the date of this Order, why this action should not be dismissed without prejudice as to Defendant York Pictures, Inc., d/b/a York Entertainment, York International,

and York Home Video for lack of timely service. Failure to comply with this directive may result in dismissal without prejudice of the Complaint as directed against Defendant York Pictures, Inc., d/b/a York Entertainment, York International, and York Home Video.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 22nd day of December, 2005.